

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred Senate Bill No. 482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
3 SECTION 560, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 6.1. (a) ~~This section applies only in~~
5 ~~a county containing a consolidated city. If the requirements of~~
6 ~~subsection (g) are satisfied, The fire departments of the following are~~
7 ~~consolidated into the fire department of a consolidated city (referred to~~
8 ~~as "the consolidated fire department")~~ **On January 1, 2010:**
9 **(1) The following fire departments are consolidated into the**
10 **fire department of the consolidated city (referred to as "the**
11 **consolidated fire department"):**
12 ~~(1) (A) The fire department of a township for which the~~
13 ~~consolidation is approved by the township legislative body and~~
14 ~~trustee and the legislative body and mayor of the located in~~
15 ~~the county containing the consolidated city, regardless of~~
16 ~~whether the fire department is operated by the township or~~
17 ~~by another political subdivision.~~
18 ~~(2) (B) The fire department of any fire protection territory~~
19 ~~established under IC 36-8-19 that is located in a township~~

1 described in subdivision (1).

2 **(2) The functions, duties, and responsibilities of the township**
 3 **trustee and township board with respect to providing fire**
 4 **protection and related services are transferred to the**
 5 **consolidated city.**

6 (b) ~~If the requirements of subsection (g) are satisfied;~~ **After**
 7 **December 31, 2009,** the consolidated fire department shall provide fire
 8 protection services within an entity described in subsection (a)(1) or
 9 (a)(2) in which the requirements of subsection (g) are satisfied on the
 10 date agreed to in the resolution of the township legislative body and the
 11 ordinance of the legislative body of the consolidated city: ~~the county~~
 12 **(excluding any excluded city).**

13 (c) If the requirements of subsection (g) are satisfied and the fire
 14 department of an entity listed in subsection (a) is consolidated into the
 15 fire department of the consolidated city; All of the property, equipment,
 16 records, rights, and contracts of ~~the each~~ department consolidated into
 17 the fire department of the consolidated city are:

18 (1) transferred to; or

19 (2) assumed by;

20 the consolidated city on the effective date of the consolidation.
 21 However, real property other than real property used as a fire station
 22 may be transferred only on terms mutually agreed to by the legislative
 23 body and mayor of the consolidated city and the trustee and legislative
 24 body of the township in which that real property is located: **Any funds**
 25 **transferred under this subsection to the consolidated city that**
 26 **represent balances in a cumulative building and equipment fund**
 27 **for fire protection and related services established under**
 28 **IC 36-8-14 shall be deposited into the consolidated city's**
 29 **cumulative building and equipment fund for fire protection and**
 30 **related services and shall be used by the consolidated city for**
 31 **funding land, buildings, and equipment for fire protection and**
 32 **emergency medical services as provided under IC 36-8-14.**

33 (d) If the requirements of subsection (g) are satisfied and the fire
 34 department of an entity listed in subsection (a) is consolidated into the
 35 fire department of the consolidated city; The employees of ~~the a~~ fire
 36 department **listed in subsection (a) that is** consolidated into the fire
 37 department of the consolidated city cease employment with the
 38 department of ~~the entity~~ listed in subsection (a) and become employees

of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the~~ Indebtedness related to fire protection services incurred before the effective date of the consolidation ~~by the an entity whose fire department is consolidated into the consolidated fire department under subsection (a), or a building, holding, or leasing corporation on behalf of the entity, whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.~~

(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(h) The rights of trustees and bondholders with respect to any:

- (1) bonds or other indebtedness described in subsection (e); or**
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);**

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been

1 transferred to the consolidated city, and the consolidated city shall
 2 be considered to have assumed all those powers, duties,
 3 agreements, and liabilities.

4 (f) (i) If the requirements of subsection (g) are satisfied and the fire
 5 department of an entity listed in subsection (a) is consolidated into the
 6 fire department of a consolidated city; The merit board and the merit
 7 system of the ~~each~~ fire department that is consolidated **into the fire**
 8 **department of the consolidated city** are dissolved on the effective
 9 date of the consolidation, and the duties of the merit board are
 10 transferred to and assumed by the merit board for the consolidated fire
 11 department on the effective date of the consolidation.

12 (g) A township legislative body, after approval by the township
 13 trustee, may adopt a resolution approving the consolidation of the
 14 township's fire department with the fire department of the consolidated
 15 city. A township legislative body may adopt a resolution under this
 16 subsection only after the township legislative body has held a public
 17 hearing concerning the proposed consolidation. The township
 18 legislative body shall hold the hearing not earlier than thirty (30) days
 19 after the date the resolution is introduced. The hearing shall be
 20 conducted in accordance with IC 5-14-1.5 and notice of the hearing
 21 shall be published in accordance with IC 5-3-1. If the township
 22 legislative body has adopted a resolution under this subsection, the
 23 township legislative body shall, after approval from the township
 24 trustee, forward the resolution to the legislative body of the
 25 consolidated city. If such a resolution is forwarded to the legislative
 26 body of the consolidated city and the legislative body of the
 27 consolidated city adopts an ordinance, approved by the mayor of the
 28 consolidated city, approving the consolidation of the fire department of
 29 the township into the fire department of the consolidated city, the
 30 requirements of this subsection are satisfied. The consolidation shall
 31 take effect on the date agreed to by the township legislative body in its
 32 resolution and by the legislative body of the consolidated city in its
 33 ordinance approving the consolidation.

34 (h) (j) The following apply if the requirements of subsection (g) are
 35 satisfied: **after a fire department listed in subsection (a) is**
 36 **consolidated into the fire department of the consolidated city:**

37 (1) The consolidation of the fire department of that township is
 38 effective on the date agreed to by the township legislative body in

the resolution and by the legislative body of the consolidated city
in its ordinance approving the consolidation.

~~(2)~~ (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective
date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the
fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to
meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
firefighter shall receive credit for any service as a member of the
1977 fund before the consolidation to determine the firefighter's
eligibility for benefits under IC 36-8-8.

~~(3)~~ (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective
date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the
fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive
credit for any service as a member of the 1937 fund before the
consolidation to determine the firefighter's eligibility for benefits
under IC 36-8-7.

~~(4)~~ (3) For property taxes first due and payable in the **first**
calendar year in which **property taxes are first due and**
payable based on the consolidation, ~~is effective~~, the maximum
permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city; by an amount equal
to the maximum permissible ad valorem property tax levy in
the year preceding the year in which the consolidation is
effective for fire protection and related services by the
township whose fire department is consolidated into the fire
department of the consolidated city under this section; and

(B) is reduced for the township **entity** whose fire department
is consolidated into the fire department of the consolidated city
under this section; by the amount equal to the maximum
permissible ad valorem property tax levy in the year preceding
the year in which the consolidation is effective for fire
protection and related services for the township.

~~(5)~~ (4) The amount levied in the year preceding the year in which

the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for **balance in the township's** cumulative building and equipment fund for fire protection and related **services of a township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services, as **provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the ~~consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department~~ to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the

operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section:

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2009, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(l) Before January 1, 2010, the consolidated fire department

1 shall develop a strategic plan to determine resource requirements
 2 and resource deployments for the consolidated fire department.
 3 The consolidated fire department shall determine the resource
 4 requirements and resource deployments based on the risk
 5 assessment models promulgated by the Center for Public Safety
 6 Excellence, Inc., or a successor entity. The consolidated fire
 7 department must:

8 (1) update the strategic plan at least once every three (3)
 9 years; and

10 (2) annually report to the legislative body of the consolidated
 11 city concerning the implementation of the strategic plan.

12 SECTION 2. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
 13 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2009]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is
 15 ~~established~~ **consolidated** under section 6.1 of this chapter, the
 16 consolidated city, through the consolidated fire department, shall after
 17 the consolidation establish, operate, and maintain emergency
 18 ambulance services (as defined in IC 16-18-2-107) in the fire special
 19 service district and in those townships in the county that are
 20 consolidated under section 6.1 of this chapter.

21 (b) This section does not prohibit the providing of emergency
 22 ambulance services **by contract or** under an interlocal agreement
 23 under IC 36-1-7.

24 SECTION 3. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2009]: Sec. 6.4. (a) **On July 1, 2009, the executive of the**
 27 **consolidated city shall establish a fire transition authority board,**
 28 **which must consist of:**

29 (1) the township board president or the president's designee;
 30 and

31 (2) the township trustee or the trustee's designee;
 32 **of those remaining township fire departments that have not**
 33 **consolidated into the consolidated fire department before**
 34 **September 1, 2009.**

35 (b) The fire transition authority board shall exist to provide
 36 guidance to the director of the department of public safety
 37 regarding the integration of township fire services into the
 38 consolidated fire department.

1 (c) On July 1, 2009, the director of the department of public
2 safety shall:

3 (1) establish a timeline for each township to be fully
4 integrated into the consolidated fire department; and

5 (2) manage the transition of the functions, duties, and
6 responsibilities of the township trustee and township board
7 with respect to providing fire protection and related services
8 that are transferred to the county on January 1, 2010.

9 (d) The fire transition authority board shall remain fully
10 constituted and in effect until the earlier of:

11 (1) the complete integration of the township fire services that
12 are consolidated under this chapter;

13 (2) a vote of the majority of the fire transition authority board
14 to dissolve; or

15 (3) the date the fire transition authority board is dissolved by
16 ordinance of the county legislative body.

17 (e) The fire transition authority board's oversight of a
18 township's fire service shall continue until the director of public
19 safety notifies the board that the township's fire department is fully
20 integrated into the consolidated fire department.

21 (f) The balance at the time a township's fire department is
22 integrated into the consolidated fire department on January 1,
23 2010, in a debt service fund of a township that relates to the debt
24 incurred for firefighting purposes:

25 (1) is transferred to the consolidated city; and

26 (2) shall be used by the consolidated city to pay indebtedness
27 or lease rentals for which the fund was established.

28 (g) Any balance remaining in the fund after all payments for
29 indebtedness or lease rentals required under this section have been
30 made is transferred to the general fund of the consolidated city.

31 (h) The balance on January 1, 2010, in a township's firefighting
32 fund:

33 (1) is transferred to the consolidated city; and

34 (2) shall be deposited in the general fund of the consolidated
35 city.

36 (i) After the consolidation of a township fire department into the
37 consolidated fire department on January 1, 2010, the assets,
38 equipment, and employees of the township fire department that are

1 transferred to the consolidated city may be used to provide fire
 2 protection services only in the township until the fire transition
 3 authority board for the township determines that the township fire
 4 services have been completely integrated into the consolidated fire
 5 department.

6 SECTION 4. IC 36-3-1-6.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2009]: **Sec. 6.5. (a) The executive of the consolidated city shall**
 9 **establish a professional standards board with responsibility after**
 10 **December 31, 2009, for establishing, validating, and maintaining**
 11 **emergency responder certification and credentialing requirements**
 12 **and procedures. The emergency responder certification and**
 13 **credentialing requirements and procedures must be in accordance**
 14 **with the National Incident Management System and appropriate**
 15 **national professional standards and certification organizations and**
 16 **boards.**

17 **(b) The professional standards board shall before January 1,**
 18 **2010, establish the following for each emergency responder**
 19 **position within the consolidated fire department:**

- 20 **(1) Minimum initial certification and credentialing**
- 21 **requirements.**
- 22 **(2) Experience and competency requirements.**
- 23 **(3) Continuing education requirements.**
- 24 **(4) Performance criteria.**
- 25 **(5) Recertification requirements.**

26 **(c) After December 31, 2009, a subcommittee of the professional**
 27 **standards board, under the direction of a board certified**
 28 **emergency physician, is responsible for certification and**
 29 **credentialing of emergency medical responders.**

30 SECTION 5. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2009]: **Sec. 6. Notwithstanding any other law, the consolidated**
 33 **city may issue obligations to refund obligations issued before the**
 34 **effective date of a consolidation under IC 36-3-1-6.1 in the name of:**

- 35 **(1) a township;**
- 36 **(2) a fire protection territory; or**
- 37 **(3) a building, holding, or leasing corporation on behalf of a**
- 38 **township or a fire protection territory;**

1 to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and
2 IC 36-3-1-6.1(g).

3 SECTION 6. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]:

6 **Chapter 1.2. Township Fire Consolidation Option**

7 **Sec. 1. (a)** Notwithstanding IC 36-3-1-6.1, a township board may
8 opt out of consolidation into the consolidated fire department if at
9 least five (5) of the seven (7) members of the township board vote
10 in favor of opting out of consolidation.

11 **(b)** Written notice that the vote will take place shall be filed with
12 the clerk of the city-county legislative body not later than ten (10)
13 days before the vote is to occur. The clerk shall provide a copy of
14 the notice to the corporation counsel of the consolidated city.

15 **(c)** The vote by the township board to opt out of consolidation
16 into the consolidated fire department must:

17 **(1)** be held in accordance with the open door law
18 **(IC 5-14-1.5); and**

19 **(2)** occur before September 1, 2009.

20 **Sec. 2. (a)** This section applies to townships whose township
21 boards opt out of consolidation under section 1 of this chapter and
22 are not consolidated into the fire department.

23 **(b)** After August 31, 2009, the annual budget of the township is
24 subject to the review and approval of the city-county legislative
25 body.

26 **(c)** After August 31, 2009, the township fire department is
27 subject to the review of the professional standards board
28 established by IC 36-3-1-6.5, and the township fire chief shall
29 provide any data requested by the professional standards board.

30 **Sec. 3. (a)** This section applies to a township whose township
31 board opts out of consolidation under section 1 of this chapter and
32 is not consolidated into the consolidated fire department.

33 **(b)** The professional standards board established by
34 IC 36-3-1-6.5 shall regularly review the performance of each
35 township fire department to ensure that its performance meets the
36 standards set forth in the National Fire Protection Association
37 consensus standards, which:

38 **(1)** address the reporting and accountability of substantially

1 career fire departments;

2 (2) specify performance measures for safety, health training,
3 personnel qualifications/competencies, incident management,
4 emergency apparatus, personal protective equipment; and

5 (3) define objectives applicable to response times for services.

6 (c) If the professional standards board determines, by a
7 majority vote, that a township does not meet the standards set
8 forth in the National Fire Protection Association consensus
9 standards, the board shall notify the clerk of the city-county
10 legislative body. Upon receiving the notice, the clerk shall prepare
11 an ordinance proposal for the city-county legislative body. The
12 ordinance proposal shall make a determination to override the
13 township's decision to opt out of consolidation into the consolidated
14 fire department on the basis that the township fire department
15 does not meet the required public safety standards.

16 (d) If the ordinance described in subsection (c) is approved by
17 a two-thirds (2/3) affirmative vote of the city-county legislative
18 body, the ordinance shall be submitted to the mayor for approval.
19 Upon approval by the mayor of the consolidated city, the township
20 fire department shall be consolidated into the consolidated fire
21 department on the date specified in the ordinance. The mayor of
22 the consolidated city shall, by executive order, set forth a process
23 to integrate the township fire department into the consolidated fire
24 department.

25 Sec. 4. (a) This section applies to a township whose township
26 board opted out of consolidation under section 1 of this chapter
27 and is not consolidated into the consolidated fire department.

28 (b) A township board may, by a majority vote and with the
29 subsequent approval of the city-county legislative body and the
30 mayor, override its decision to opt out of consolidation under
31 section 1 of this chapter. A vote by the township board under this
32 section may not be rescinded.

33 SECTION 7. IC 36-6-4-3, AS AMENDED BY P.L.2-2008,
34 SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION
35 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2009]: Sec. 3. The executive shall do the
37 following:

38 (1) Keep a written record of official proceedings.

- 1 (2) Manage all township property interests.
- 2 (3) Keep township records open for public inspection.
- 3 (4) Attend all meetings of the township legislative body.
- 4 (5) Receive and pay out township funds.
- 5 (6) Examine and settle all accounts and demands chargeable
- 6 against the township.
- 7 (7) Administer township assistance under IC 12-20 and
- 8 IC 12-30-4.
- 9 (8) Perform the duties of fence viewer under IC 32-26.
- 10 ~~(9) Act as township assessor when required by IC 36-6-5.~~
- 11 ~~(10) (9) Provide and maintain cemeteries under IC 23-14.~~
- 12 ~~(11) (10) Provide fire protection under IC 36-8, except in a~~
- 13 ~~township: that:~~
- 14 (A) **that** is located in a county having a consolidated city; and
- 15 (B) **whose fire department is consolidated** ~~the township's fire~~
- 16 ~~department~~ under IC 36-3-1-6.1.
- 17 ~~(12) (11) File an annual personnel report under IC 5-11-13.~~
- 18 ~~(13) (12) Provide and maintain township parks and community~~
- 19 ~~centers under IC 36-10.~~
- 20 ~~(14) (13) Destroy detrimental plants, noxious weeds, and rank~~
- 21 ~~vegetation under IC 15-3-4. IC 15-16-8.~~
- 22 ~~(15) (14) Provide insulin to the poor under IC 12-20-16.~~
- 23 ~~(16) (15) Perform other duties prescribed by statute.~~
- 24 SECTION 8. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The executive may use the
- 26 township's share of state, county, and township tax revenues and
- 27 federal revenue sharing funds for all categories of community services,
- 28 if these funds are appropriated for these services by the township
- 29 legislative body. The executive may use these funds for both operating
- 30 and capital expenditures.
- 31 (b) With the consent of the township legislative body, the executive
- 32 may contract with corporations for health and community services not
- 33 specifically provided by another governmental entity.
- 34 (c) **Except in a township that is located in a county having a**
- 35 **consolidated city and whose fire department has been consolidated**
- 36 **under IC 36-3-1-6.1,** the executive may contract with a private person
- 37 to provide regular or emergency ambulance service within the
- 38 township. The contract may provide for the imposition and collection

1 of fees for this service.

2 (d) **Except in a township that is located in a county having a**
 3 **consolidated city and whose fire department has been consolidated**
 4 **under IC 36-3-1-6.1**, the township legislative body may adopt a
 5 resolution to provide for the imposition and collection of fees for
 6 ambulance services provided by the township police or fire department.

7 SECTION 9. IC 36-8-8-2.1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this
 9 chapter, "local board" means the following:

10 (1) For a unit that established a 1925 fund for its police officers,
 11 the local board described in IC 36-8-6-2.

12 (2) **Except as provided in subdivision (3)**, for a unit that
 13 established a 1937 fund for its firefighters, the local board
 14 described in IC 36-8-7-3.

15 (3) **For a unit that established a 1937 fund for its firefighters**
 16 **and consolidates its fire department into the fire department**
 17 **of a consolidated city under IC 36-3-1-6.1:**

18 (A) **before the effective date of the consolidation, the local**
 19 **board described in IC 36-8-7-3; and**

20 (B) **on and after the effective date of the consolidation, the**
 21 **local board of the consolidated city established under**
 22 **IC 36-8-7-3.**

23 ~~(3)~~ (4) For a consolidated city that established a 1953 fund for its
 24 police officers, the local board described in IC 36-8-7.5-2.

25 ~~(4)~~ (5) For a unit, other than a consolidated city, that did not
 26 establish a 1925 fund for its police officers or a 1937 fund for its
 27 firefighters, the local board described in subsection (b) or (c).

28 (b) If a unit did not establish a 1925 fund for its police officers, a
 29 local board shall be composed in the same manner described in
 30 IC 36-8-6-2(b). However, if there is not a retired member of the
 31 department, no one shall be appointed to that position until such time
 32 as there is a retired member.

33 (c) **Except as provided in subsection (d)**, if a unit did not establish
 34 a 1937 fund for its firefighters, a local board shall be composed in the
 35 same manner described in IC 36-8-7-3(b). However, if there is not a
 36 retired member of the department, no one shall be appointed to that
 37 position until such time as there is a retired member.

38 (d) **If a unit located in a county containing a consolidated city**

1 **did not establish a 1937 fund for its firefighters and consolidates its**
 2 **fire department into the fire department of the consolidated city**
 3 **under IC 36-3-1-6.1, the local board is:**

4 (1) **before the effective date of the consolidation, the local**
 5 **board described in IC 36-8-7-3; and**

6 (2) **on and after the effective date of the consolidation, the**
 7 **local board of the consolidated city established under**
 8 **IC 36-8-7-3.**

9 SECTION 10. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 10 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in
 12 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

13 (1) a police officer; or

14 (2) a firefighter;

15 who is less than thirty-six (36) years of age and who passes the baseline
 16 statewide physical and mental examinations required under section 19
 17 of this chapter shall be a member of the 1977 fund and is not a member
 18 of the 1925 fund, the 1937 fund, or the 1953 fund.

19 (b) A police officer or firefighter with service before May 1, 1977,
 20 who is hired or rehired after April 30, 1977, may receive credit under
 21 this chapter for service as a police officer or firefighter prior to entry
 22 into the 1977 fund if the employer who rehires the police officer or
 23 firefighter chooses to contribute to the 1977 fund the amount necessary
 24 to amortize the police officer's or firefighter's prior service liability over
 25 a period of not more than forty (40) years, the amount and the period
 26 to be determined by the PERF board. If the employer chooses to make
 27 the contributions, the police officer or firefighter is entitled to receive
 28 credit for the police officer's or firefighter's prior years of service
 29 without making contributions to the 1977 fund for that prior service. In
 30 no event may a police officer or firefighter receive credit for prior years
 31 of service if the police officer or firefighter is receiving a benefit or is
 32 entitled to receive a benefit in the future from any other public pension
 33 plan with respect to the prior years of service.

34 (c) Except as provided in section 18 of this chapter, a police officer
 35 or firefighter is entitled to credit for all years of service after April 30,
 36 1977, with the police or fire department of an employer covered by this
 37 chapter.

38 (d) A police officer or firefighter with twenty (20) years of service

1 does not become a member of the 1977 fund and is not covered by this
2 chapter, if the police officer or firefighter:

3 (1) was hired before May 1, 1977;

4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
5 of which were repealed September 1, 1981); and

6 (3) is rehired after April 30, 1977, by the same employer.

7 (e) A police officer or firefighter does not become a member of the
8 1977 fund and is not covered by this chapter if the police officer or
9 firefighter:

10 (1) was hired before May 1, 1977;

11 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
12 of which were repealed September 1, 1981);

13 (3) was rehired after April 30, 1977, but before February 1, 1979;
14 and

15 (4) was made, before February 1, 1979, a member of a 1925,
16 1937, or 1953 fund.

17 (f) A police officer or firefighter does not become a member of the
18 1977 fund and is not covered by this chapter if the police officer or
19 firefighter:

20 (1) was hired by the police or fire department of a unit before May
21 1, 1977;

22 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
23 of which were repealed September 1, 1981);

24 (3) is rehired by the police or fire department of another unit after
25 December 31, 1981; and

26 (4) is made, by the fiscal body of the other unit after December
27 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
28 unit.

29 If the police officer or firefighter is made a member of a 1925, 1937, or
30 1953 fund, the police officer or firefighter is entitled to receive credit
31 for all the police officer's or firefighter's years of service, including
32 years before January 1, 1982.

33 (g) As used in this subsection, "emergency medical services" and
34 "emergency medical technician" have the meanings set forth in
35 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

36 (1) is employed by a unit that is participating in the 1977 fund;

37 (2) was employed as an emergency medical technician by a
38 political subdivision wholly or partially within the department's

jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated

city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;

and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l)."

- 1 Delete pages 2 through 65.
- 2 Page 66, delete lines 1 through 24.
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 482 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 5.

Lawson C

Chairperson